

CAUSE NO. 2018-CV-3345-D

VICTORIA ADVOCATE PUBLISHING	§	IN THE DISTRICT COURT OF
CO.,	§	
	§	
Plaintiff,	§	
	§	
V.	§	CALHOUN COUNTY, TEXAS
	§	
CALHOUN PORT AUTHORITY,	§	
	§	
Defendant.	§	135TH JUDICIAL DISTRICT

\*\*\*\*\*

ORAL DEPOSITION OF

LUIS DELAGARZA

AUGUST 20, 2018

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ORAL DEPOSITION OF LUIS DELAGARZA, produced as a witness at the instance of the Defendant, and duly sworn, was taken in the above-styled and -numbered cause on the 20th day of August, 2018, from 1:38 p.m. to 3:18 p.m., before TOI K. DOWELL, CSR, in and for the State of Texas, reported by machine shorthand at the offices of Roberts, Odefey, Witte & Wall, LLP, 2206 State Highway 35 North, Port Lavaca, Texas, pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record or attached hereto.

## A P P E A R A N C E S

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NO EXHIBITS

1                                   LUIS DELAGARZA,  
2       having been first duly sworn, testified as follows:

3                                   EXAMINATION

4       BY MR. COBB:

5           Q     Good afternoon, Luis, as you asked me to call you.  
6       Can you --

7           A     Yes.

8           Q     -- state your name and address for the record,  
9       please.

10          A     It's Luis DeLaGarza, and I live at 101 Blackstone.

11          Q     Oh, no, no. I'm not writing it down.

12          A     Oh. Sorry about that. It's 101 Blackstone Place  
13       in Port Lavaca, Texas 77979.

14          Q     And thank you for spending some time here with us  
15       this afternoon.

16                Can you tell us why you think you're here today?

17          A     To speak as a member of the public.

18          Q     And to speak about what?

19          A     To speak about an item that wasn't put on an agenda  
20       for the port authority.

21          Q     Okay. And before we kind of go into that, why  
22       don't you just tell me kind of a little bit about yourself.

23          A     Okay.

24          Q     How long have you lived in the area; how did you  
25       get here; what do you do.

1           A     I was born here in 1959. Lived here nearly all my  
2     life except for a five-year span where I lived in San Diego,  
3     California. I have five boys. Two are mine and two are my  
4     wife, Pam's; and then we have one together; so, we have five  
5     sons, and that's actually the name of our company, is Five  
6     Sons Investments.

7                 I worked at the nuclear plant. I have a nuclear  
8     technology bachelor degree. I did that for nearly 31 years.  
9     Very involved with the church. I'm the Knights of Columbus  
10    secretary for years. I'm a scout leader. I've been a scout  
11    leader for decades. I would tell you closer to 30 than to  
12    20 I've been involved with scouts.

13                I have taught at the Victoria College. It's the  
14    junior college that's nearby. I taught at Victoria College  
15    for nearly five years. I taught nuclear fundamentals, which  
16    was my working background.

17                I'm a charter member of Habitat for Humanity. I  
18    actually wrote our policies and procedures that I adopted  
19    from the national level. I tailored them to -- just for  
20    Calhoun, especially because being this side of Highway 35,  
21    we have to have special building codes. So I tailored that.

22                I've been on the school advisory committee for Our  
23    Lady of the Gulf school. I did that for, oh, probably five  
24    to eight years. I did that.

25                I've been -- I am on the YMCA board. I've been on

1 the YMCA board for the last 12 years, and continue to do  
2 that.

3 I've been married to Pam for 30-plus years. I have  
4 13 grandkids. I love to fish, love to R.V.

5 Q Okay. That was a very --

6 A Something like --

7 Q -- very complete answer.

8 A Something -- something -- something like that.

9 Q No, that's fantastic. I guess the only question I  
10 have, tell me a little bit about Five Sons Investments.

11 A Five Sons Investments. I've always known -- you  
12 could've asked me when I was 32, 25 years old, when I was  
13 going to retire. I always knew I was going to retire at 55;  
14 and to get to my retirement, I knew I had to have some  
15 things in place to retire at such a young age, and what I  
16 started doing was started investing.

17 I bought property at auctions. Sometimes people  
18 don't pay their taxes. I've got property like that. I've  
19 bought properties that I thought were a really good  
20 investment, especially duplexes and fourplexes. And then  
21 about a year before I -- I retired, I bought a 37-unit  
22 apartment complex.

23 So currently I own 47 apartments, and I own four  
24 houses; and come Wednesday, day after tomorrow, I'll own two  
25 more apartment duplexes. It'll be up to 49 apartments. So

1 I've got a little bit of real estate here in -- here in --  
2 just here in Port Lavaca. Everything's here in Port Lavaca.

3 Q Okay. And your sons help you run that?

4 A No.

5 Q Oh, okay.

6 A I wish. My kids are scattered from Dallas,  
7 Houston, Beeville; and two live here in town. One works at  
8 Formosa, and one -- another one has his own business.

9 Q I guess that would have been too good to be true.

10 A I know it, but I understand it. My dad was  
11 self-employed. He did flooring, and no way I was going to  
12 do flooring. I understand it.

13 Q Are you familiar with the phrase "special interest  
14 to the public?"

15 A Not so much that phrase, but I think I could -- you  
16 know, I think I could come up with something like -- like  
17 maybe -- my mind just, phew, went to Stormy Daniels. It  
18 just went to that when you said those words.

19 Q Uh-huh. And why is that? What -- I mean, special  
20 interest to the public means something to you. So what does  
21 it mean?

22 A I think whenever you get out in -- in -- in those  
23 words, I think whenever you go out about in the community,  
24 there's just a whole lot of talk, whether that talk may be  
25 just us just sitting here, "Hey, did you hear about what

1       happened in the news?"   "Hey, did you hear about this?"   "I  
2       heard this, I heard that."   I guess that's what would be of  
3       special interest.

4                You know, we wouldn't be in here, I think, talking  
5       about our mayor because I will tell you, the good thing,  
6       he's -- I would say he's a pretty lax guy.   I would use even  
7       the word "boring."   But a special interest person, man,  
8       there's a lot of interest surrounding that person, whether  
9       it's good, whether it's bad.   It could be the guy that  
10      jumped into a river to save a baby.   He's a special interest  
11      guy.

12       Q       Uh-huh.

13       A       Not necessarily -- I don't want you to think I'm  
14      saying anything bad, but that could be also good.

15       Q       Right, yeah.   That's an interesting way to put it,  
16      kind of -- almost -- and thank you for getting up to close  
17      the door.

18               It's kind of like watercooler talk, like what  
19      people would be interested to talk about sitting around  
20      watching a kid's baseball game, or like you said before this  
21      deposition, what -- what's kind of on the top of everybody's  
22      minds.

23       A       Right.   What's everybody talking about in town  
24      right now, you know.

25       Q       Right.   Are there any other contours -- you know,



1 Stormy Daniels, a little salacious? Are there things that  
2 make something more of a special interest because they have  
3 to do with sex, drugs, and rock and roll on one hand or, you  
4 know, tax policy and trade policy on the other? Like -- do  
5 you see what I'm saying? Like there's one --

6 MR. GRIFFIN: Object to the form.

7 Q (By Mr. Cobb) -- more of special interest than the  
8 other?

9 MR. GRIFFIN: Pardon me. Object to the form.

10 A No, not really, I don't. One, I didn't understand  
11 the word, "conjecture" -- how did you say that word?  
12 "Conjectory" or something? I really didn't understand that.

13 Q (By Mr. Cobb) Oh, I'm not even --

14 A And probably when I got to that word, it kind of  
15 locked me up.

16 Q I'm not sure what word I used. I'm sorry. On one  
17 side, we've kind of got -- you know, there's stuff, whether  
18 it's Stormy Daniels or -- I don't know what else is kind of  
19 that.

20 A Trump.

21 Q You know, Trump, you know, things that kind of just  
22 make people angry or provoke a reaction. Are there types of  
23 interest that are of special interest to the public that may  
24 not necessarily provoke the same sort of --

25 MR. GRIFFIN: Object to the form.

1           A     Yeah. And I don't know that. One, I really didn't  
2 understand the question. And I -- and I will tell you, I  
3 don't know. I just know that whenever, at the Y, there's  
4 usually a group of guys, you know, always just hanging out  
5 there, trying to solve world problems.

6                     I would tell you that it's just whatever I hear,  
7 you know. And there's times -- and not only what I hear.  
8 Sometimes I'm even the person that drives that. You know,  
9 hey, what'd you guys hear? Do you guys know anything? Did  
10 you guys hear anymore about it?

11                    And some of those -- some people I talk to would  
12 have first-hand knowledge of what's going on, you know,  
13 whether it be about the commissioner's court, whether it's  
14 at council meetings or anything. I am -- as I described to  
15 you, I'm very, very involved in the community; and it's a  
16 small town. Twelve thousand people.

17           Q     (By Mr. Cobb) Uh-huh.

18           A     I will tell you, I'm out and about, you know. I'm  
19 retired. I can make up my own hours; take off when I want.  
20 I'm sitting here. I don't have to tell anybody anything,  
21 other than my wife, you know. So I'm -- I would tell you I  
22 get -- I get pulled into talks, discussions; and people --  
23 people do ask me, you know, "Luis, what do you think about  
24 this?" Or -- and there's time that I drive the  
25 conversation.

1           Q     Okay. I appreciate that. Do you believe that your  
2     testimony will be helpful to the judge or jury in  
3     determining whether the employment discussion at the Calhoun  
4     Port Authority's May 9th closed meeting was of special  
5     interest to the public?

6                     MR. GRIFFIN: Object to the form.

7           A     I don't know. I honestly -- and I would -- I would  
8     -- I would hope so, to help them do the right thing. I -- I  
9     would hope so; that I wouldn't be wasting my time and their  
10    time.

11          Q     (By Mr. Cobb) And this is another question that may  
12    sound like a legal question and, you know, obviously, just  
13    answer it however you can answer. But do you think you're  
14    qualified to provide testimony on what is of special  
15    interest to the public?

16                    MR. GRIFFIN: Object to the form.

17          A     I don't mean to be smart or anything, but -- but  
18    I'm qualified to be a public person. I guess that's how I  
19    would answer that. I'm not being a -- and if I ever sound  
20    smart, it's not my nature.

21          Q     (By Mr. Cobb) No, no, no. And that's -- you're  
22    kind of anticipating my questions which is, you know, if  
23    there are 12,000 folks in Calhoun County, are each of them  
24    equally qualified?

25          A     Oh, absolutely. Absolutely. Yes. And I think

1 part of it, would they be willing to come talk to you in a  
2 format like this. A lot of -- a lot of people are  
3 threatened to come sit in a format like this. This just  
4 doesn't bother me in the least.

5 Q Yes. And -- and I hope that I'm not threatening,  
6 or you don't feel threatened by me. I'm certainly not  
7 trying to make anyone feel uncomfortable. And I mean, it's  
8 easy to say, I'm just kind of doing my job. Hopefully I can  
9 do it with, you know, good manners and -- and -- good  
10 intentions and good spirit. That's what I'm trying to do;  
11 but I do kind of have to ask you some questions.

12 I guess the real reason I'm trying -- I'm here is  
13 I'm trying to figure out, you know, what you would be  
14 testifying about at trial if you're called to testify as a  
15 witness.

16 Do you know if you'll be called to testify as a  
17 witness?

18 MR. GRIFFIN: Object to the form.

19 THE WITNESS: I -- I -- I don't know. I  
20 really don't know.

21 Q (By Mr. Cobb) Have you been asked to be available  
22 on September 10th to testify?

23 A I think John did mention to me a date sometime in  
24 early September, but I can't remember if it was that date.

25 Q Okay. And if you were called to testify at trial,

1       what do you think you would be asked to talk about?

2           A       I would think it would be something very similar to  
3       this. Very, very similar to this. And to be honest with  
4       you, I didn't know what a deposition was. I actually, just  
5       this morning, got enough -- had enough questions where I had  
6       to go look it up on the Internet this morning. About 6:30  
7       this morning, I was on the phone with a friend, and I went  
8       to go look it up. What's a deposition, what's it going to  
9       look like and it's --

10          Q       Well -- and I -- I apologize if I kind of started  
11       running right through this.

12                 Do you have any questions for me before we go, or  
13       do you have any --

14          A       No. And I do know that you work for the port  
15       authority. I do.

16          Q       I do, yes. I think I introduced myself. I'm Bill  
17       Cobb. I work for the port authority. I'm an attorney out  
18       of Austin, as you figured out.

19                 So, yeah, I mean, if you have any questions for me,  
20       please -- please ask them.

21          A       Okay. I appreciate that. I do.

22          Q       And so the documents that John provided me  
23       regarding your information, noting you as an individual with  
24       knowledge --

25          A       He gave you what documents?

1           Q     There's -- let's see if I have a copy of yours  
2     here.

3           A     About me?

4           Q     No. It was a document called a Response to a  
5     Request for Disclosure; and one of the questions is, you  
6     know, give me a list of all the people who have knowledge  
7     about this case.

8           A     Oh, okay.

9           Q     In response to that, John gave me your name.

10          A     Okay.

11          Q     And he said, "The individual's connection with the  
12     case is that he is a member of the public and has knowledge  
13     regarding the public interest in the topics of Defendant  
14     hiring Blake Farenthold and paying him an annual salary of  
15     \$160,000 to be a lobbyist or a legislative liaison or other  
16     type of position."

17                 Does that sound something --

18          A     That would be fair. And I think you and I had just  
19     had a discussion about that, and the only -- I'm out in the  
20     public so much. I am.

21                 I've got a Boy Scout meeting later on this  
22     afternoon. I promise you, we're gonna talk about this:  
23     Hey, man, I had that deposition. You know, I promise you it  
24     is.

25          Q     Sure. Tell me what -- what knowledge do you have,

1       and it may need to be specific, it may be general, like this  
2       meeting, that meeting; but my question is, what knowledge do  
3       you having regarding the public's interest in that May 9th  
4       meeting?

5               And if you can, in your mind, separate the interest  
6       as of May 9th versus, say, the interest today. Right?  
7       Because you're going to go back today. You're going to talk  
8       about the deposition; and this topic may still -- you know,  
9       Blake, or the deposition, or the lawsuit, or whatever it is  
10      -- may still be interesting to people; but if you can -- and  
11      this is the longest question --

12       A     I know it. I'm trying to keep up. I'm trying to  
13      hear you.

14               MR. GRIFFIN: And let me get my objection to  
15      the form in here whenever you're done. I don't want to  
16      interrupt you.

17       Q     (By Mr. Cobb) So I'll start it again. Can you tell  
18      me, as of May 9th, 2018, what knowledge did you have  
19      regarding whether the port's hiring of Mr. Farenthold was of  
20      special interest to the public?

21       A     I don't know so much about hiring. You know, the  
22      biggest topic that we -- that we -- that I've heard that --  
23      for loss of words is, the "rub." What's -- what's -- what's  
24      the itch that everybody's talking about; how nobody got a  
25      chance to discuss it with the board until after the fact.

1           And I'll tell you what that looks like to me. We  
2       get ready to hire a school superintendent, we get ready to  
3       hire a police chief, we get ready to hire an EMS director, I  
4       would say these guys are what -- outside the superintendent,  
5       these guys are only making about 60,000 a year. A school  
6       superintendent, I'll bump him up to maybe 130 a year.

7           These guys would be in the paper. These guys would  
8       be vented [sic] by a committee that I, if I felt strongly  
9       about it, I would ask my councilman, my commissioner, my  
10      school board member to allow me to be a part of that hiring  
11      process.

12          I would probably also see it in -- in -- in the  
13      paper and you would read about it; but to hear later on,  
14      that on May 9th, there was a discussion that happened in the  
15      dark -- I would use the word in the "dark" -- it just wasn't  
16      right. And I guess that's -- that's -- that's the biggest  
17      "rub." I use that word again. That's the biggest "rub," is  
18      -- is how they went about doing it.

19          Q     And is it because of the salary? Is that where you  
20      were going with that?

21               MR. GRIFFIN: Object to the form.

22          A     No, it's -- I don't -- you know, it's a lot of  
23      money, you know. It's a lot of money. It has nothing to do  
24      with the money. It doesn't. They could have paid him  
25      \$60,000; but because the way they went about in having this



1 discussion, and never gave us -- and I say -- I say "us" --  
2 me being a member of the public -- never gave us a chance to  
3 at least talk to a board member -- at church, I see one of  
4 the board members at church all the time.

5 The other guy -- the other guy that I would talk  
6 to, I actually would see him all the time. I will just say  
7 his name, just so it's real clear, Aron Luna.

8 The chairman, he's -- he's actually in my district,  
9 region. I'm one of his constituents. I never got a chance  
10 to express my view; and then after the fact, I'm having to,  
11 hey, you know, I'm approaching this guy that -- board member  
12 at church and say, what the heck was that all about? And  
13 his first words are, hey, hey, hey, I didn't vote for him.  
14 It wasn't me. I go, you know, aside from that, what were  
15 you guys thinking going in to closed session?

16 I'm on the Appeal Review Board for Calhoun County  
17 taxes. We can't go into closed session unless we  
18 specifically -- very specifically write on there why we're  
19 going in closed session.

20 I talked to a commissioner -- Calhoun County  
21 commissioner, and I asked him, I go, "Do you guys ever go  
22 into closed session?" And I knew the answer. You know the  
23 answer.

24 Q (By Mr. Cobb) Sure.

25 A They always do. And I said, "What's it look like

1       for you guys to go into closed session?"    He said, "Luis,  
2       we never go into closed session unless it's clearly stated  
3       what we're gonna talk about, and that's the only thing we  
4       talk about.   We don't talk about anything else."

5               And I guess that -- that's the problem.   It's not  
6       the salary.   They could have been paying him, you know --  
7       again, I'll repeat myself -- 60,000.   It's not that.   It's  
8       that we never got a chance.

9           Q     You mentioned some positions before, like  
10       superintendent and police chief.

11       A     Yeah.   Right.

12       Q     Do you feel the same way about a federal lobbyist?

13       A     I don't know a whole lot about lobbyists.   I do --  
14       I do -- I do know -- let me speak to -- I'm just gonna stop  
15       there because I don't know a whole lot about lobbyists.  
16       Lobbyists, I guess they're going to go out there and plead  
17       your case, "Hey, John, I need you to go champion in getting  
18       us some money to fix that causeway that needs some help."

19               "Hey, we need money for that"; and I think it's  
20       what I would think would be a guy that's going to be out  
21       there, like almost writing a grant; but even at a higher  
22       level, you know.

23               I'm very, very familiar with grant writers, you  
24       know, for all the different organizations I've ever been  
25       involved with.   To say -- I don't know.   I probably should

1 stop there.

2 Q Well, and that's -- so, I mean, if it's not the  
3 salary, and it's not necessarily the position of the federal  
4 lobbyist --

5 A Uh-huh.

6 Q -- what is it that makes it interesting or of  
7 special interest?

8 A That they didn't do it right. That they didn't do  
9 it right, and doing it right means they should have put it  
10 on the agenda and told everybody; and I would tell you, Tony  
11 Holiday, he goes to my church, and we talk about this a lot.  
12 Tony and I have been talking about the port authority for  
13 years about what's going on with him, and he always turns  
14 around and asks me what's going on, you know, with taxes.  
15 "Hey, when are you guys going to approve it, so that way we  
16 can get our money?" and stuff like that.

17 And we go back and forth, and I would clearly tell  
18 Tony, you know. I would just give him my opinion. My  
19 opinion. But I just never got that chance.

20 As a matter of fact, I -- I sent Randy, the  
21 chairman, I sent him a text telling him, "I can't believe  
22 you" -- I could look it up, I guess.

23 It said something like -- that they needed to do  
24 the right thing, and get rid of Farenthold; and I can't  
25 remember what else I said, but it was something like that.

1 But this was an after-the-fact type of thing, after they had  
2 -- didn't put it on the agenda.

3 Q Why would -- why would getting rid of him be the  
4 right thing? Why wouldn't just having a vote whether to  
5 keep him on, not --

6 A That could work today. It could work today. It  
7 really could work today, but it's still -- it still wouldn't  
8 untaint what happened back when -- what did you say? -- May  
9 something.

10 Q May 9th.

11 A Yeah, early May. It still wouldn't undo that. I  
12 think -- I think the board's got a long ways to do -- to go  
13 before they're able to get back a lot of the integrity that  
14 they lost there.

15 Q Do you think the board voted to hire Mr. Farenthold  
16 on May 9th?

17 A I don't know if that's the day he got hired or  
18 anything like that. From what I have heard, and what I've  
19 read, and whether it was in the Victoria Advocate or in the  
20 Wave, or maybe even heard it; but what I know, what's etched  
21 in my mind, is they had a meeting behind closed doors; and  
22 they talked about hiring someone. And then the chairman  
23 came out; and I've even heard through the board, you know,  
24 point the finger at the port director, and told him to go  
25 hire the person that they talked about earlier.

1           And still -- and still -- you know, those were the  
2       words, and I'll even tell you what that source was. That  
3       actually came from a councilman that I'd talked to; that I  
4       would tell you a month ago I talked to that councilman here  
5       in Port Lavaca.

6           He was giving me what -- and this was before I even  
7       knew I was going to be doing this, we were talking. And  
8       you've heard me say -- I want to -- it'll just take a moment  
9       to -- to -- to -- to tell you that -- I've told you, this is  
10      a very, very small town.

11          So I've gotten a chance to find out what public  
12      opinion is, and as far as the way this meeting was held; and  
13      the people I've talked to, Mr. Cobb, as I've said I've  
14      talked to councilmen. I've talked to commissioners. I will  
15      tell you I've talked to the Calhoun County Judge at Law.  
16      I've talked to neighbors and a lot of my family.

17          And I would tell you -- and it's funny, you asked  
18      me about special interest, and -- and there's a wide  
19      spectrum from people: Don't know. Don't care --

20          Q     Uh-huh.

21          A     -- to you've got other people that are just  
22      screaming -- they're mad about what happened on that first  
23      week of May, and -- and -- and Luis is here and listened to  
24      both, especially after I found out that I was going to be  
25      giving a deposition; so that way I could be their mouth, be

1       their representative, if you will.

2           Q       That's a good question; and maybe this isn't a good  
3       example because there's the polite conversation,  
4       qualification, Stormy Daniels; but let's just say that 30  
5       percent of my friends, you know, I meet them for lunch,  
6       "Hey, did you see Stormy Daniels?"

7           A       Uh-huh.

8           Q       Well, what percentage, if you can, of people are  
9       talking about the port's hiring --

10                   MR. GRIFFIN: Object to the form.

11          A       Wow, that's a tough one.

12          Q       (By Mr. Cobb) Yeah. I know. I know.

13          A       That's a tough one. That's a tough one. I'll tell  
14       you this: Yesterday there was an article in the Victoria  
15       Advocate. It was a long -- have you seen it? Did you read  
16       it?

17          Q       I know it exists, but I haven't.

18          A       And me either. I'm with you. You and I are  
19       probably the only two that have not read it. And I didn't  
20       want to read it because of what my wife told me when she  
21       read it Sunday morning, she said, you know, it was just a  
22       whole lot of stuff about Farenthold, and a whole lot of  
23       stuff about Randy.

24                   I want you to know, I graduated with Randy. We  
25       went to school together. We graduated in 1978. And I

1       didn't want to come in here and say, "Man, that Randy" --  
2       that blank." You know, I didn't want to do any of that. So  
3       I chose not to read it. I guess that's where I'm at with  
4       all that.

5           Q       No, no, no. And that's -- I appreciated that.  
6       That's actually very admirable. I'm gonna move back to my  
7       other question --

8           A       Okay.

9           Q       -- and maybe ask it a different way; and, again, I  
10      realize it's difficult to ask, but is it one in five  
11      conversations, one in three conversations where the court  
12      and Mr. Farenthold come up?

13                   MR. GRIFFIN: Object to the form.

14          Q       (By Mr. Cobb) Once a week, you know.

15                   MR. GRIFFIN: Object to the form.

16          A       I would say, like, more often than not. So if you  
17      were asking for a percentage, I would tell you 51 percent of  
18      the time; and I would even tell you, Mr. Cobb, that whether  
19      -- whether it was driven from -- well, I've got my back talk  
20      and to someone back -- back here, somebody's talking about  
21      -- hmm? You know, turn around, "Well, did you guys hear  
22      something new?"

23                   And what I started to say, whether it's even driven  
24      by me, just that way, I could know what their sentiments are  
25      about it. So that way I could, I guess, represent the --

1 the -- the public better.

2 Q (By Mr. Cobb) I think you said earlier the port  
3 could fix this by hiring Mr. Farenthold.

4 A Say that again.

5 Q The port could fix this by firing Mr. Farenthold.

6 A No, I didn't say --

7 MR. GRIFFIN: Let me object to the form.

8 Q (By Mr. Cobb) Is that --

9 A No, I didn't say that. I wouldn't have said that.

10 Q Okay. No, no, no. I just -- I wanted to make  
11 sure.

12 A Yeah. No, I didn't say that.

13 Q So do you think the port should fire  
14 Mr. Farenthold?

15 A I really -- I didn't really study that. I really,  
16 really haven't. You know, I think -- I think we should have  
17 gone out there and maybe put it out there, see what lobbyist  
18 was available, and see who really wanted it; and then from  
19 there, we could say, "Hey, man, there's a lot of interest of  
20 people that want this." And maybe we could have even got a  
21 good lobby -- I would tell you, a good lobbyist for 120,000.

22 And I'm not throwing that number out because I  
23 don't even know what those guys make. Maybe we could have  
24 got one for half price, 80,000; and this guy, his only  
25 specialty item is just lobbying for that -- that -- that



1 channel, you know.

2 If you do -- if you do -- if you do a root-cause  
3 analysis of what we want, as the public, and what the port  
4 wants, Formosa wants, is we just want a really good channel.  
5 That's -- that's all we want, you know. That's the entire  
6 causal factor, why the port did what they did.

7 Q Are you familiar with the board's May 24th meeting  
8 regarding Mr. Farenthold?

9 A I know what I -- I -- that was probably the one  
10 that was afterward, after they hired him?

11 Q Yeah.

12 A I did read about that one, I want to say, in the  
13 Victoria Advocate, from a priest.

14 Q Tell me what you know about that, or what you  
15 remember.

16 A That -- there was -- yeah, there was a vote to fire  
17 him, and they voted, and -- and Aron, Tony -- and I want to  
18 almost say Melcher -- voted to fire him; while on the other  
19 side you had Wehmeyer, Randy, and Dell, that lives across  
20 the street right here. They chose to keep him, even though  
21 it's a tie.

22 So, okay, it's a tie. No action. Dah, dah. What  
23 I've asked -- and I've asked a lot in the public because I  
24 don't know their procedures, their policies, their bylaws;  
25 but I would tell you most -- not all -- most organizations,

1 a chairman doesn't vote unless there's a tie.

2 So I already said there was three against two,  
3 because I'm taking that chairman out. The chairman doesn't  
4 vote unless there's a tie.

5 So in my eyes, he should have been fired because it  
6 was three against two; and it may be that that board's  
7 bylaws says he's always going to be a voting member. And I  
8 -- and I don't know. And I don't know. But if there's that  
9 much controversy, why? That's -- that's the only question I  
10 would ask, is why?

11 Q Well -- and I guess my question is, the May 24th  
12 meeting was noticed, mentioning Mr. Farenthold --

13 A And -- and -- and let me stop you there. And so  
14 going back to what else I read, is that that agenda didn't  
15 give me the opportunity to go in there and say anything  
16 because the writer actually wrote something about there was  
17 -- that the public commenting was removed from that agenda.

18 So I've never been to a port meeting, only because  
19 of those meetings, you never know when it's gonna happen,  
20 for one.

21 Two, you can go look up the agenda -- and I just  
22 looked at it a couple of weeks ago. The last one that was  
23 put on there was sometime in 2012. So you never know when  
24 it's gonna happen, and it -- but -- I'm not gonna say the  
25 word "always," but that I've always heard, it always happens

1        somewhere in the middle of the day; and, man, that's the  
2        busiest time when I'm keeping my guys working. I've got  
3        three guys that work for me -- four now, that started last  
4        week. I've got four guys that I keep pretty dog-gone busy.

5                But let's say that I -- that I did get up the  
6        gumption and, "Man, now I'm going down there, and I'm just  
7        gonna tell them how I really feel about this," you know,  
8        show some compassion, show some emotion, and -- but it would  
9        have just been a waste -- not a waste.

10               It wouldn't have been a waste. It wouldn't have --  
11        I wouldn't have been able to say anything: "Hey, buddy.  
12        We're following the agenda right here."

13               "No public comment." That's what she wrote.  
14        That's what I remember reading, and that was in the Victoria  
15        Advocate.

16               Q        Is that the only problem you have with that  
17        meeting? In other words --

18               A        The 24th?

19               Q        And I'll try to ask a clean question at the end of  
20        this. But you said the rub of the May 9th meeting was you  
21        didn't have notice of it, and the port hired.

22               We have a May 24th meeting. There's notice. We're  
23        gonna talk about Mr. Farenthold's employment. Is it -- is  
24        it your belief that meeting was insufficient? I mean, that  
25        didn't --

1                   MR. GRIFFIN: Object to the form.

2           A     Yeah. I just don't know enough to say "yea" or  
3     "nay" on it. I don't. And only because I want to go back  
4     to what I said earlier. I don't know if -- if Randy had a  
5     right to even vote.

6           Q     (By Mr. Cobb) And assuming he did, I guess I'm  
7     trying to figure out what more the board could have done on  
8     May 24th to kind of --

9           A     Even then, I'll go back to what I said earlier.  
10    Just -- just be real open about it. Go tell the local  
11    paper. It comes out one time a week; so, there was -- there  
12    was at least once, maybe even twice, they had an opportunity  
13    where they could have gone and talked to the the Wave and  
14    said, "Hey, we're going to talk about Farenthold. We're  
15    going to talk about what we're going to do." Is it -- "Did  
16    we do the right thing?" "We need some public input." And  
17    then put that on the agenda too. "Hey, we've got public  
18    input here."

19          Q     And I guess I still haven't kind of gotten to the  
20    bottom of why people care about either the federal lobbyist  
21    position that they call legislative liaison or  
22    Mr. Farenthold. I mean, why is this an issue that the  
23    public would want to weigh in on?

24          A     Again, maybe I'm just not saying it right for you.  
25    And -- and -- and -- don't take me as being rude.

1 Q Oh, I don't. Please --

2 A This is -- this is gonna be --

3 Q -- it's a mutual thing.

4 A Yeah, I know it is.

5 Q Please don't take me as being rude.

6 A No. Right. This is gonna be the third time I -- I  
7 -- say it. It's -- the rub is the way they did it in closed  
8 session because I -- I know how to do these meetings really  
9 well. I do -- you know, on the school board advisory for  
10 OLG, no telling how many times we went into closed session;  
11 and there's a right way and there's a wrong way. We do it  
12 with the Appeal Review Board. We do it all the time.

13 Q What if the board didn't need to vote or take any  
14 action to hire Mr. Farenthold?

15 MR. GRIFFIN: Object to the form.

16 A Say again.

17 Q (By Mr. Cobb) What if the board didn't need to vote  
18 -- didn't need to take any action to hire Mr. Farenthold?  
19 They didn't even need to hold a meeting.

20 MR. GRIFFIN: Object to the form.

21 Q (By Mr. Cobb) Right? Because the school district,  
22 they hire --

23 A I think they do have to.

24 Q -- a teacher, the janitor.

25 A From a little bit of knowledge -- from my

1 knowledge, they did. That Port Authority Hausmann, he had  
2 to. He couldn't have done it on his own.

3 Q You know he had the authority to do it on his own.

4 MR. GRIFFIN: Object to the form.

5 A He did not.

6 Q (By Mr. Cobb) Is that your belief?

7 A It is.

8 Q That he did not have hiring and firing authority?

9 A Without -- right, he may have had the authority,  
10 but only after he talked to the board, and the board gave  
11 him -- they gave him the blessing, yeah, go get this guy.  
12 He couldn't have done it, no. No.

13 Q If he has hiring and firing authority, why -- I  
14 don't understand how the board's blessing or --

15 MR. GRIFFIN: Object to the form.

16 Q (By Mr. Cobb) -- even mattered.

17 MR. GRIFFIN: Pardon me. Object to the form.

18 A He couldn't have done it without the board.

19 Q (By Mr. Cobb) Couldn't have done what?

20 A He couldn't -- he couldn't have gone out and hired  
21 -- and hired. He could not.

22 Q And why do you say that?

23 A Because I told you earlier, that when they came out  
24 of the --

25 Q No. But my question is why do you --

1 MR. GRIFFIN: Let him finish his answer before  
2 you do it. Finish what you were saying, please.

3 A I got tripped up. Well, I know that when the  
4 closed session was over, that the blessing had been given.  
5 When I told you that Randy came out and did this number to  
6 Hausmann, go hire a person that we have approved, or we've  
7 blessed off, go hire that person (demonstrating).

8 They never said who it was.

9 Q (By Mr. Cobb) And you know all of this from the  
10 newspaper article?

11 A No. That one was -- no, that was a discussion.  
12 That was a discussion we had.

13 Q Okay. But let's go back to, why do you think  
14 Charles Hausmann couldn't hire Blake Farenthold himself?

15 MR. GRIFFIN: Object to the form.

16 Q (By Mr. Cobb) Or that he didn't?

17 MR. GRIFFIN: Object to the form.

18 A He couldn't do it, again, without consulting with  
19 the board.

20 Q (By Mr. Cobb) And why do you say that?

21 A Because I either read it, or I know it.

22 Q Okay. Where would you have read it, and how would  
23 you know it?

24 A I have heard so much because I really wanted to be  
25 an informed kind of guy, and I cannot tell you. I really

1 cannot tell you.

2 MR. GRIFFIN: An "informed?" Is that what you  
3 said, an "informed?"

4 THE WITNESS: An informed.

5 A And I can't tell you if it was in the discussion  
6 that we just had, just like this. I can't tell you if I  
7 read it in the Wave. I can't tell you if it was in the  
8 Advocate; but it's something that I know, not only that did  
9 I hear it once, read it once. I cannot tell you. I don't  
10 know.

11 Q (By Mr. Cobb) So --

12 A I also can say that according to The Victoria  
13 Advocate, that has since been taken away. Now it's just the  
14 board. The board does it now, and that's what the Victoria  
15 -- so, I think maybe that's where it was because they --  
16 they -- they brought up, well, Hausmann could do it before  
17 with their consultant, but now -- now they striped him of  
18 that. Now it's on the board which, to me, is a real head  
19 scratcher. Like, wow.

20 Q Okay. So let's assume that the board didn't have  
21 to hire or vote to hire Blake Farenthold on May 9th because  
22 they didn't have that power.

23 A The board didn't have that power?

24 Q The board didn't have that power.

25 A Okay. All right.



1 Q Hausmann did.

2 MR. GRIFFIN: Object to the form.

3 Q (By Mr. Cobb) On the 24th, the board says to its  
4 self: There's people like Luis and others who think we  
5 should be doing this; that we should take a vote that it  
6 should be on us.

7 So they say, "Charles, you've done a good job.  
8 We're taking this power to hire and fire the legislative  
9 liaison away from you. We're gonna make a vote on this for  
10 the public and decide whether to keep Blake" --  
11 "Mr. Farenthold on or not"; and then they do that on May  
12 24th.

13 A Uh-huh.

14 Q Is that enough? Is that --

15 A For me?

16 MR. GRIFFIN: Are you finished -- are you  
17 finished with that question? I need to object to form.

18 A No. I'm gonna go back to what I said. They had --  
19 they missed at least one opportunity, even two opportunities  
20 to let the public know what they were doing. No, it wasn't  
21 enough. It wasn't enough.

22 Q (By Mr. Cobb) And I guess -- let's go back, why  
23 does the public care? I still don't understand why the  
24 public cares. And I don't -- I'm not trying to be  
25 facetious.

1           A     No, no, no. I know. I do. I understand. I've  
2     told you that I'm on the Appeal Review Board for Calhoun  
3     County, Texas, and I sit behind a big old desk with the  
4     board members; and I -- firsthand, I see men come in there  
5     mad. Mad about their tax dollars. I've seen men come in  
6     there crying. I see ladies -- lots of ladies come in there  
7     crying that their taxes are too high, and that's really the  
8     reason they're in there.

9           And then to see that their tax dollars are being  
10    spent in a way that they probably would not appreciate. And  
11    I say that in, you know, hiring Farenthold which is, to me,  
12    back out this way. They'd be fighting mad, too, if these  
13    people that are really emotional and physical about their  
14    taxes; and what if you were going to be just real silly and  
15    say something silly like, "Do you know where your tax  
16    dollars are going? They're going to that lobbyist." And  
17    we've never had a lobbyist in the whole history of the port  
18    authority. This is a first time -- one-time deal; and we're  
19    doing it without public knowledge. That is, like, wow.

20          Q     You think that's true; that this is the first time  
21    the port's ever hired a lobbyist?

22          A     To my knowledge, they have never hired. And they  
23    may have, and maybe that guy was just -- it was just real,  
24    real quiet. He was doing a good job. More times than not,  
25    you know, you know politicians are doing a good job when you

1 don't ever hear their name, and maybe we -- and maybe we  
2 have had. I don't know. Maybe we did have a lobbyist, and  
3 he did a dog-gone good job, and we never heard about it.

4 Q So I'll tell you, the port has had federal  
5 lobbyists before.

6 MR. GRIFFIN: Object to the sidebar.

7 Q (By Mr. Cobb) Is the tax portion of this, that it's  
8 taxpayer money? Like, I still don't get -- I think you  
9 probably know the port's got a potential  
10 \$100-million-reconstruction project.

11 A I do know that.

12 MR. GRIFFIN: Object to the sidebar.

13 Q (By Mr. Cobb) So I think you sound like a person  
14 who would agree, hey, if we can spend \$160,000 to spend --  
15 to solve a \$100-million problem, that makes sense to me.

16 MR. GRIFFIN: Object to the sidebar.

17 Q (By Mr. Cobb) What I think you're telling me is,  
18 they just shouldn't have spent it on Mr. Farenthold. There  
19 was somebody else.

20 A Not necessarily.

21 MR. GRIFFIN: Object to the form.

22 A Not necessarily. Not necessarily. We -- in  
23 Calhoun County, we've been dealing with the ship channel  
24 issue since 1999. The Corps of Engineers, they told us  
25 we've got a huge problem out there. Some day, it may be

1 tomorrow, that there's gonna be a blockade there because  
2 everything's going to slough in. The rocks are gonna fall  
3 in. The ship's not gonna be able to get in or get out.

4 Q (By Mr. Cobb) Uh-huh.

5 A That's gonna consta -- and for a lack of words,  
6 it's gonna constipate Formosa. They're not gonna be able to  
7 move their product. They're gonna be able to maybe try to  
8 move some by train, but not very much at all.

9 So the Corps of Engineers say, hey, since 1999,  
10 we've had this problem. Farenthold went in to -- went to  
11 work on 2011. Farenthold has been there representing us. I  
12 would think he's been working on getting us this money since  
13 then.

14 And I'm gonna just verbalize something that -- you  
15 shook your head "yes," and you agree with that, and I  
16 strongly agree with that. He's been working on this since  
17 2011.

18 Q I -- I --

19 A And he hasn't -- he hasn't done anything. And  
20 that's when -- knock on wood -- when I would say he had  
21 power as a congressman. So from the time that he resigned  
22 -- I don't know if you want to say he resigned, or he quit,  
23 or he got fired, or what, but when we left the office, he  
24 had 7 years to get us some money when -- I would say it  
25 again -- when he had power.

1           And now, you see, he doesn't hold an office. Time  
2           is just going on the same. You know, who's gonna listen to  
3           someone that just got run out -- got run out of town?

4           Q     Well, and I think -- I guess my job is to ask  
5           questions. Not think.

6           Is the issue that the port hired a federal  
7           lobbyist, or is the issue that the port hired Mr. Farenthold  
8           as its federal lobbyist?

9           MR. GRIFFIN: Object to the form.

10          A     We've been at this for almost an hour, and I will  
11          tell you that it's not so much that they hired him, or even  
12          they hired someone else.

13          The way the port did it, real hush-hush -- I had  
14          said earlier -- in the dark. They weren't real -- they  
15          didn't -- I will tell you, they didn't want the public to  
16          know. They didn't come out and tell the Wave, hey, we're  
17          about to do this.

18          And I just found out that we've had lobbyists  
19          before, and I don't even know how that went down. I'm gonna  
20          go find out. I'm gonna ask around now -- I really am -- to  
21          educate myself better. I'll find out, "Hey, how much did we  
22          pay that guy?" now that I have knowledge. It's not so much  
23          that. It's the way they did it. That's the rub. And we --

24          Q     (By Mr. Cobb) And that -- and I get that. And I'm  
25          sorry. Again, it's not my job to comment. It's to ask

1 questions.

2 Would you feel the same rub if the board -- if  
3 everything happened the same way, except we weren't hiring  
4 Blake Farenthold as a legislative liaison, but we were  
5 hiring Bob Johnson as a janitor?

6 A It would not change anything.

7 Q Would -- meaning you'd still care about the fact  
8 that Bob Johnson was hired as a janitor, or you wouldn't  
9 care about that?

10 A I don't think it carries the same weight.

11 Q And that's what I'm trying to figure out, is  
12 where's the weight? Where's the interest? It's not the  
13 janitor. That --

14 A Yeah, you know, Mr. Cobb, this is a blue collar  
15 county, and I'm talking about the whole county.

16 I'll bet you the average income is somewhere around  
17 -- and I used to know these numbers because as a Habitat  
18 board member, we had to know what the average income was;  
19 and I could tell you that as little as five years ago, it  
20 was somewhere right around about 35,000 a year; and that  
21 this guy is gonna be paid 160,000 to do something that he  
22 had an opportunity to do for over seven years? To have a  
23 janitor get paid a whole lot of money, it just doesn't have  
24 the same weight. I hope you understand that. It does not  
25 have the same weight.

1           While you're thinking about that, we've got elected  
2 officials. Our commissioners, man, those poor guys don't  
3 make 65,000; and these are -- are some of our top-county  
4 moneymakers. That's huge, 65,000 for these commissioners,  
5 And that's nothing.

6           Q     See, that rings true to me. Like this is a lot of  
7 money, and that's -- that's why people find it interesting,  
8 or that's why it's of special interest.

9           MR. GRIFFIN: Object to the sidebar.

10          Q     (By Mr. Cobb) And I guess what I'm trying to  
11 separate, and you can agree with me or not, like no matter  
12 who we're hiring -- I guess, let me ask you this. No matter  
13 who the board was going to -- scratch that.

14          A     I agree with where you were going with that. I  
15 promise you, it didn't matter who we hired, the way they  
16 went about doing it that first week of May, that they said,  
17 "Go hire this person." "Go" -- we just talked about him.  
18 "I want you to go get him"; and, like, we're all in  
19 suspense: Who are they talking about?

20          Q     Right.

21          A     Until -- until Farenthold mentioned it on the radio  
22 station.

23          Q     Yep. He wasn't keeping it a secret, if anybody was  
24 trying to.

25          MR. GRIFFIN: Let me object --

1 Q (By Mr. Cobb) Let me ask you this.

2 MR. GRIFFIN: Let me object to the sidebar.

3 Q (By Mr. Cobb) We've been going an hour. So we'll  
4 take a break, quick; but let me see if we can -- I think I  
5 might have something we can agree on.

6 A Okay.

7 Q No matter who the port authority was going to  
8 discuss for the position of a legislative liaison, at a  
9 salary of \$160,000 a year, that discussion is of special  
10 interest to the public because \$160,000 is a lot of money.

11 MR. GRIFFIN: Let me object to the form.

12 A And that -- and -- I want to add to it. I agree  
13 with that, but I also want to add that they didn't tell  
14 anybody.

15 Q (By Mr. Cobb) And I appreciate that, and I will  
16 let us take a break, quickly; but can we agree that what  
17 makes the discussion the hiring special is the salary --

18 MR. GRIFFIN: Object to the form.

19 Q (By Mr. Cobb) -- of \$160,000.

20 MR. GRIFFIN: Pardon me. Object to the form.

21 A That's part of it. The 160 is part of it. What do  
22 you do? Do -- do you unhear, unsee the rest of the baggage  
23 that this special-interest person has? Do you just -- you  
24 can't unread something you just read. You can't unhear  
25 something that he's done, and you can't -- you can't erase



1       that.

2           Q       (By Mr. Cobb) And I accept that, and I think --  
3       and I understand we have this case, and this vote, and this  
4       special interest.

5                   MR. GRIFFIN: Object to the form.

6           Q       (By Mr. Cobb) But can we agree that no matter who  
7       the port was gonna hire for \$160,000, that hiring decision  
8       is of special interest to the public?

9                   MR. GRIFFIN: Object to the form.

10          A       Ask it again. I know this is our third try at it.

11          Q       (By Mr. Cobb) No, no, no. I just -- and I'm not  
12       trying to hold off to break for an agreement.

13          A       Uh-huh.

14          Q       But no matter who the port was gonna higher --

15          A       In closed session.

16          Q       -- in closed session.

17          A       Okay.

18          Q       -- it's of special interest because of the salary  
19       of 160?

20                   MR. GRIFFIN: Object to the form.

21          A       And what I tacked onto that, the baggage.

22          Q       (By Mr. Cobb) But we don't know the applicant.  
23       This is a -- this is a hypothetical scenario.

24          A       Okay.

25          Q       It's not the hiring of Mr. Farenthold.

1           A     Okay.

2           Q     It's the hiring -- would you agree that the hiring  
3     of anyone by the port for \$160,000 a year is of special  
4     interest to the public?

5                     MR. GRIFFIN:  Object to the form.

6           A     That's a tough one, Mr. Cobb.  You know, golly,  
7     man, you know?  I'm gonna -- I'm gonna get crazy here.

8                     What if we could get Obama for \$160,000?

9           Q     (By Mr. Cobb) Uh-huh.

10          A     What if we could get George W. Bush for \$160,000?  
11     Man, we'd be ecstatic.

12          Q     And would that hiring decision be of special  
13     interest to the public?

14          A     It would.

15          Q     Okay.

16          A     It would.  It would, because we had talked earlier  
17     about whether they --

18          Q     But what if it's someone you've never heard of --

19          A     -- are a hero or a zero.

20                     MR. GRIFFIN:  Wait, wait, wait.  I couldn't  
21     understand what he --

22                     MR. COBB:  Please don't touch me, John.

23                     MR. GRIFFIN:  No, no.  You've got to stop  
24     talking when the witness talks.

25          A     What I was gonna say is -- is we had discussed

1 earlier whether he's a hero or a zero, and I gave you a  
2 couple of examples of some heroes, and I'm not saying  
3 Mr. Farenthold is a zero. I didn't.

4 That was really, really poor of me to say something  
5 like that, but he's nowhere near the grade that these other  
6 guys are. That's the way I should have said it. That  
7 wasn't right.

8 Q (By Mr. Cobb) Let me say this. Okay. It's my  
9 understanding that the port's federal lobbyist is a  
10 gentleman named Rick Maldonado.

11 MR. GRIFFIN: Let me object to the sidebar.

12 Q (By Mr. Cobb) What if the port was going to hire  
13 Mr. Maldonado for a salary of \$160,000?

14 A I'm sorry. I'm sorry. I don't know --

15 Q Would that be of special interest to the public?

16 A I don't even know who that guy is. Repeat the  
17 name.

18 MR. GRIFFIN: Object to the form.

19 A Just some guy?

20 Q (By Mr. Cobb) Just some guy.

21 A Okay. A hundred and sixty is definitely, Mr. Cobb  
22 -- we both agree on that. A hundred and sixty is definitely  
23 a stickler for the -- especially for this county.

24 That -- the port has a whole bunch of funds because  
25 we -- we-- we're -- we're -- business is booming with

1       Formosa, and they're giving us a lot of money. We're  
2       earning a lot of money because they're using our port.

3               That still doesn't alleviate the fact that we're  
4       paying somebody a whole lot of money that had an opportunity  
5       to -- to -- to -- to -- to do something in those seven  
6       years.

7               I know I keep on repeating myself, but that's just  
8       where I'm at with the answers, and then having the board  
9       just do it right. And I apologize for --

10       Q       No. Please, don't apologize.

11       A       Like -- I feel like I'm sitting here, you know,  
12       well, I plead the 5th, Mr. Cobb.

13       Q       No, no, no.

14       A       I plead the 5th. You know, I just feel like I'm  
15       repeating myself.

16       Q       This is a sidebar, but I will apologize because  
17       it's kind of my job to keep asking you the same question,  
18       but from a different direction --

19       A       Okay.

20       Q       -- or a different angle to try to get it.

21       A       Okay.

22       Q       So why don't we take a break.

23               (Break from 2:38 p.m. to 2:52 p.m.)

24               MR. COBB: Back on the record.

25       Q       (By Mr. Cobb) Okay. And I apologize if I asked --

1 or seem to ask the same questions again.

2 Is there something in particular about  
3 Mr. Farenthold that makes his hiring of special interest to  
4 the public?

5 A I would say, yes. You know, everybody knows in  
6 Port Lavaca, golly, unless you're under a rock; but he's  
7 just -- and I keep using the word "baggage." If you want me  
8 to just verbalize something --

9 Q Yeah. Well --

10 A -- I can.

11 Q Well, I hate to -- I know you may be uncomfortable,  
12 but --

13 A No. And I can, you know; and to me, I just always  
14 look at it, it's just trash talking. It really is. So, you  
15 know he -- and now -- okay. So I'm gonna go with the trash  
16 talking.

17 He had a sexual harassment in 2014. It was paid  
18 off in 2015 by a congressional fund of \$84,000. He promised  
19 to pay that back. He actually went to go look to getting a  
20 mortgage on his house. He got the mortgage, and he put the  
21 money in his pocket, and he's still paying that \$84,000.

22 When he quit -- when he quit, he pretty much left  
23 Calhoun County hanging high and dry. You know, we're still  
24 going through a hurricane recovery, as bad as that sounds.  
25 It's been over a year.

1           I'm telling you, I personally have friends out  
2           there that still haven't been able to get FEMA help. They  
3           haven't been able to get their house. They're still outside  
4           of their houses. So we still need a lot of congressional  
5           support; a lot of congressional help, and so he left us high  
6           and dry. That's part of the baggage.

7           When he quit, Governor Abbott confronted him and  
8           said, hey, I hope you're a man of your word, and you will go  
9           back and rethink this and pay that money back; that \$84,000,  
10          'cause when you left, we're about to have an emergency  
11          special election to the tune of right at \$200,000. That's  
12          taxpayers.

13          So now we're down to \$84,000. We're down \$200,000  
14          for the special election. We don't have the representation.  
15          That's part of it. More baggage is, you know, to hear that  
16          your congressman is being called "Ducky Pajama Boy," you  
17          know, taking these pictures with these women that aren't his  
18          wife; to hear all the kind of language that he had in his  
19          office. It was almost like a fraternity. You know, he's --  
20          he's the boss.

21          I'll tell you one thing, at the nuclear plant, I  
22          would have never stood for any of that. You work for me,  
23          and it's very clear that these guys worked for me. I would  
24          even tell you a point, come 1700 in the evening, everybody  
25          on that site worked for me; and I let everybody know, "I'm

1       the boss." And it's none of this friendly-talking stuff.  
2       Baggage.

3               Just a lot emotion there, especially in the  
4       community. You know, some people say that he just didn't do  
5       a whole lot, and I told you earlier that I didn't hear  
6       anything about him earlier. So I think there for a little  
7       while, he was maybe doing an okay job. Didn't hear a whole  
8       lot about him.

9               But there at the end, golly, he was doing a  
10      horrible job for everybody, especially with this  
11      hurricane-relief stuff. You know, and that's where the  
12      personal touch is for me because I just know so many people.  
13      That's baggage. Special interest.

14              And I'm sure I've forgetting something. I try --  
15      and I do try to forget bad stuff about people, you know, and  
16      just let me judge them on my own, whenever.

17              Now, I met Mr. Farenthold one time; and I kind of  
18      want to say it was across the street right here with Russell  
19      Cain. I think we were in a meeting there, a little town  
20      hall meeting, and I do try to go to them.

21              As a matter of fact, John and I just came from one  
22      a couple of hours ago with -- and Toi went too. We went to  
23      go see Beto and Eric -- Eric, and they're both running. One  
24      is running for senator. The other one is running for House  
25      of Representatives. You know, and, again, I try to be

1 active, and I do. And I did talk to Eric about our ship  
2 channel. It needs work.

3 Q If the port was going to hire Mr. Farenthold to be  
4 a janitor at \$16,000 year, would that hiring decision have  
5 been of special interest to the public?

6 MR. GRIFFIN: Object to the form.

7 A Personally, I would think so, in my opinion; and  
8 I'm speaking for Luis now. I'm not speaking for the public,  
9 but for Luis it would because at 16,000, it's still tax  
10 dollars.

11 Q (By Mr. Cobb) So no matter what position  
12 Mr. Farenthold is getting hired for, that hiring decision is  
13 of special interest to the public?

14 A For Luis.

15 Q For Luis.

16 A Yeah.

17 Q What about for the public?

18 A I don't know.

19 Q Okay.

20 A I don't know.

21 Q Do you -- when you think of Mr. Farenthold, does  
22 the word "notoriety" pop into your head? Does that --

23 A Like he's well-known?

24 Q Well, we've talked about baggage, and I'm trying to  
25 look for different words for baggage. Other words that may



1 have broader application.

2 MR. GRIFFIN: Object to the form.

3 A That make him popular?

4 Q (By Mr. Cobb) I think notoriety can probably go  
5 both ways.

6 A Right.

7 Q And part of what I'm trying to figure out is how  
8 Charles Hausmann was supposed to know that the hiring of a  
9 legislative liaison at \$160,000 a year was of special  
10 interest to the public.

11 MR. GRIFFIN: Object to the form.

12 Q (By Mr. Cobb) So I'm trying to --

13 A That question is very easy to answer. We answered  
14 it earlier. It's very easy. To tell if there was anything  
15 there, put it in the paper. Be open about it.

16 Q And I think that's a good way to do it. Put it in  
17 the paper. Ask the public.

18 A Everybody. I promise you, Mr. Cobb, in this area,  
19 everybody waits for that Tuesday evening paper, and  
20 everybody -- they read the headlines, and they immediately  
21 roll over to the arrests, special interest.

22 Q And that arrest page, that's certainly of special  
23 interest to the public.

24 I guess if we were trying to give Mr. Hausmann a  
25 checklist for future hiring decisions, what would we put on

1       that checklist?

2                   MR. GRIFFIN: Object to the form.

3       A       I'm gonna put on my scout -- my scout master cap  
4       and tell you all 12 points: Are they honest, trustworthy,  
5       helpful, obedient, reverent, you know? And just all those  
6       things.

7       Q       (By Mr. Cobb) And that's the checklist  
8       Mr. Hausmann is supposed to ask about the applicant for the  
9       job?

10      A       And -- and -- and not only -- not only  
11      Mr. Hausmann. It has to be with the board too. It should  
12      be -- you know, Mr. Hausmann, he's gonna -- he's gonna go  
13      ask the board now.

14                   Now we're talking about the scenario that  
15      Mr. Hausmann doesn't even have anymore.

16      Q       Right.

17      A       It's all on the board. The board ought to be  
18      asking these questions: Is this man a man a high integrity?  
19      Is he trustworthy?

20      Q       And I think you may be talking -- I'm sorry. My  
21      phone keeps blowing up here. That may be about the hiring  
22      decision, should we hire this guy or not. And the question  
23      I'm asking is, for Mr. Hausmann, do I need to provide more  
24      specificity in my notice about this hiring. Right?

25      A       And the answer is, yes.

1           Q     Is this the hiring the public's gonna care about?  
2     And so Mr. Hausmann is gonna have to notice open meetings or  
3     closed meetings --

4           A     Yeah.

5           Q     -- for the next 10 years, or for however long he's  
6     in that job; and when this suit's over, I want to be able to  
7     give him a checklist that says: If this criteria is met,  
8     and this criteria is met, and this criteria is met, there's  
9     a special interest, and you need to heighten the notice.

10                  So what I'm asking you is, what should go on that  
11     checklist?

12                  MR. GRIFFIN: Let me object to the sidebar.

13           A     You know, right now, I -- I -- I can't give you  
14     that answer. I really can't. You know, other than what  
15     I've already stated earlier, not only for Mr. Hausmann, but  
16     for also the board. And I think, you know, what's happening  
17     with the board, they're gonna grow tremendously because of  
18     what they're going through right now, but I can't answer  
19     that question.

20           Q     (By Mr. Cobb) Is there anything you wanted to tell  
21     me that I haven't given you the opportunity to tell me  
22     through a question? Anything you think I should know about  
23     your perspective or the public's perspective on this case?

24           A     I guess one of the biggest questions everybody's  
25     asking, you know, we're paying this lawyer from Austin. How

1 much are the taxpayers paying for you? Are you on an hourly  
2 rate? Are you on a set fee or set amount?

3 Q I have an hourly rate. Are you, I guess --

4 A I mean, Luis wants to know.

5 Q No, no. I think the Victoria Advocate's reported  
6 it. I'm getting paid \$400 an hour.

7 Do you think -- I guess let me ask you as a -- you  
8 live in the Calhoun County Navigation District; is that  
9 correct?

10 A I have. I do. Wait, wait. The City of Port  
11 Lavaca one or --

12 Q Do you currently reside within the Calhoun County  
13 Navigation District?

14 A Yes. Yes. And I had told you about, I'm in  
15 Randy's precinct.

16 Q Okay.

17 A Yeah.

18 Q Do you know what your tax rate is?

19 A .0001.

20 Q And do you know, I'm guessing you do, that's the  
21 lowest rate --

22 A It is.

23 Q -- the board can charge?

24 A It is. Very lowest rate.

25 Q Okay. So that was a question you had for me. Is

1       there anything else you wanted me to know or that you think  
2       I should have asked but didn't?

3           A       No.

4           Q       Like, Mr. Cobb, I could have just told you why  
5       hiring Mr. Farenthold was of special interest to the public  
6       if you just would have phrased the question this way?

7                   MR. GRIFFIN: Object to the form.

8           A       No. I think if you would have just asked me point  
9       blank, "What's the rub?" And the rub is the way they held a  
10      meeting on that first week of May. I don't know if -- if  
11      the rub is that hard in hiring Farenthold. I think -- I  
12      honestly believe if they would have just done everything out  
13      in the light and advertised -- I say the word "advertised"  
14      -- but just told everybody, man, ain't nobody got a beef.  
15      Nobody does because, hey, it's just like you trying to  
16      complain about a politician and you didn't even vote.

17                   But this one here, it was just real quiet, real  
18      hush-hush, and it shouldn't have been like that, and that's  
19      what everybody's mad about, first and foremost.

20                   A close second is gonna be the hiring. But first  
21      and foremost is not doing it right. And I will tell you, if  
22      you find someone in Port Lavaca that's -- that's maybe not  
23      as active in the community, that doesn't belong -- doesn't  
24      attend a lot of meetings, or doesn't know a lot about how  
25      meetings are held, and stuff like that, they may not know

1 the way you're supposed to do; but these guys should have  
2 known. Every single one of those guys been on these things.

3 I would tell you Tony Holiday, 30 years he's been  
4 on this board. Melcher, he's been on it for decades. All  
5 these guys, decades. Except for Randy, and I don't know how  
6 long Aron had been on it; but those guys -- I'm sorry. I  
7 was talking low again.

8 Those guys should have known. Somewhere in there,  
9 they either chose not to follow the letter of the law, or  
10 they didn't listen to their lawyer. Something is there.  
11 They have lost touch with the public that appointed them.  
12 They have lost touch.

13 Q (By Mr. Cobb) I think I may be on to my last  
14 question, or at least last couple.

15 Are there any groups of people you kind of come  
16 into contact with, friends you talk to, you know, "Did you  
17 see what the latest thing about Mr. Farenthold was in the  
18 paper?" And they're just like, "Enough. I could care less.  
19 I don't want to hear anymore about it."

20 A Or -- or -- or in that same bucket are the people  
21 that -- they're not tired of hearing about it. They don't  
22 care about it. And I told you about that spectrum earlier,  
23 and -- and I have a family member, and I asked her about it,  
24 and she goes, "I don't know. I don't care."

25 Okay. I know -- she's in her mid 30s, you know;

1       and I don't know if I was as involved as I am today when I  
2       was in my 30s. I really don't.

3           Q     We have different priorities.

4           A     Yeah. Right.

5           Q     I'm not gonna begrudge anybody for what they do  
6       with their time.

7           A     I do have an ugly question.

8           Q     Yeah.

9           A     Very, very ugly question. So the Advocate wins and  
10       the port doesn't. Dan Heard, our district attorney, he  
11       decides that a judge said, "Yep. You have violated the Open  
12       Meetings Act. You've guys just didn't follow" -- "You knew  
13       what you guys were doing."

14                So Dan Heard, our DA, decides he's going to now  
15       have -- file charges on the board.

16                Are you that attorney? That's my question.

17           Q     I can't answer that. I mean, I don't know.

18           A     Okay.

19           Q     But that would be up to the board.

20           A     Okay. And the reason I ask that question is  
21       because -- I say, man, I wonder if the reason they went all  
22       the way to Austin to get this lawyer is because if it  
23       doesn't go that way, he also has a background in defending  
24       criminals.

25           Q     I've never done any criminal law myself.

1           What percentage of people who live in the Calhoun  
2   County Navigation District do you think are like your family  
3   member, the 30 year old who just doesn't know and doesn't  
4   care?

5           A     I think -- I don't know. I really don't know. I  
6   can help you out a little bit more. I can -- I can say, I  
7   know not as many people go to vote for the port authority  
8   positions as they do when the presidential elections come  
9   up. I guess maybe that's an answer.

10          Q     I'm not sure how to interpret that. Can you put a  
11   number or explain a little more?

12          A     No, I can't.

13          Q     I'm not trying to be --

14          A     No, I can't --

15                MR. GRIFFIN: Let me object to the form.

16          A     -- I can't give you a number. I don't even know if  
17   Dora Garcia can do that, and she's our election  
18   administrator. I don't even think she can throw out a  
19   number. I don't -- I don't know. Just not as many. Not as  
20   many.

21          Q     (By Mr. Cobb) Somewhat less than half, we've heard  
22   that.

23                MR. GRIFFIN: Object to the form.

24          A     I can't say. I'm sorry, Mr. Cobb. I just really  
25   -- it wouldn't be a fair answer. It wouldn't. It would be



1       just what Luis just thinks and just -- and that's opinion.

2           Q       (By Mr. Cobb) And really, at the end of the day,  
3       even if you're speaking on behalf of the public, all your  
4       testimony here today is really just Luis's opinion?

5           A       I would say not. I would not say that. I  
6       wouldn't. It's -- it's Luis talking to a whole bunch of  
7       people, a bunch of people. Not -- because I -- I told you  
8       it was Luis. It's because I've never had a conversation,  
9       and I've never gone out and educated myself about stuff.

10                I've never seen numbers, you know, as far as the  
11       example you were giving about -- about what's a number for  
12       the interest for this, you know. I don't know.

13                The rest of the stuff, if I never attached "this is  
14       Luis," there was always something behind it, whether it was  
15       reading in the paper or whether in talking to my friends,  
16       talking at church, talking at the Y, talking at Boy Scouts,  
17       talking anywhere.

18                There's -- there's more to it than that. More to  
19       it than just Luis.

20           Q       And I appreciate that, and I think you've answered  
21       this question before, and I'm not trying to be a jerk by  
22       asking this; but you did say before, any member of the  
23       public would be equally qualified to testify about this  
24       special interest.

25           A       I don't think I said that.

1 MR. GRIFFIN: Object to the form.

2 A Yeah, I don't think I said that. I think everybody  
3 -- I think everybody would be the public, but I don't know  
4 if they would be as educated or as informed. Not educated.  
5 "Educated" is the wrong word. Be as "informed" because some  
6 people choose not to be informed. They just don't care.

7 Q (By Mr. Cobb) Who wouldn't be qualified to testify  
8 as a member of the public?

9 A Well, I don't know.

10 MR. GRIFFIN: Object to the form.

11 A Who? Who would not be qualified?

12 Q (By Mr. Cobb) Or whose opinion wouldn't be  
13 equivalent to yours?

14 MR. GRIFFIN: Object to the form.

15 A I think everybody's qualified. If they're a public  
16 member -- anybody, a guy riding his bike who's going down  
17 the road, you know, whether you are going to -- whether  
18 you're going to ask a question and the guy's gonna sit there  
19 and say, "I don't know." "I don't know." "I don't know."  
20 "I don't know," I don't think that's gonna help the jury.  
21 That's not gonna help the judge. That's not gonna help you,  
22 and you guys are just gonna just get tired of asking  
23 questions. You're gonna get frustrated.

24 Like, man, I'm not getting anything with this guy.  
25 Is this guy living under a rock? I don't -- I don't think

1       that's fair. I'm not trying to be smart with you. I'm not.

2           Q       (By Mr. Cobb) No. And part of it, I'm trying to  
3       figure out, like, how many people we'd have to ask to really  
4       know what the public thinks about this.

5                   MR. GRIFFIN: Object to the form.

6           A       I don't know. Earlier, when we went to this town  
7       hall meeting, I actually saw one of my scouts there. He  
8       just turned 21 the other day. He was an Eagle Scout, and he  
9       was there, and I was just so happy to see him there.

10          Q       (By Mr. Cobb) Uh-huh.

11          A       And what do you think, John? There couldn't have  
12       been three young kids there, you know, in the 20-to-30-age  
13       group. There couldn't have been that many.

14                   I did see one kid that I kind of questioned, why is  
15       he out of school? Because he probably wasn't 12 years old.  
16       I did see that.

17                   Thirty year olds, maybe a little bit more. Forty  
18       year olds, a little more. Fifty -- shew. Seventy, man,  
19       that room was packed with 70 year olds.

20                   THE WITNESS: How old are you, John? Seventy?  
21       I'm just telling you --

22                   MR. GRIFFIN: I'm the class of '74. Don't be  
23       talking about me like that.

24          A       I -- I -- I think the older we -- and just speaking  
25       for Luis, the older we get, it seems like we take more

1 interest. We quit listening to music. We listen to the  
2 news more.

3 So how far would you have to go digging before you  
4 found a person -- I'm saying this wrong -- before you find  
5 the answers that Mr. Cobb is looking for? I don't know.

6 Q (By Mr. Cobb) You'd probably have to ask a few  
7 people in each age group, I'm guessing.

8 A Yeah.

9 MR. GRIFFIN: Object to the form.

10 A I would think. I would think. And -- but not  
11 necessarily because of the example I just gave you. There's  
12 a couple of 20 year olds out there, a few more 30s, a few  
13 more 40s. I don't know.

14 You'd have to go find them. Golly, you'd have to  
15 go find them.

16 MR. COBB: Well, thanks for your time. I hope  
17 I've been polite and courteous.

18 THE WITNESS: No, you have. Absolutely.

19 MR. COBB: And not offensive. If I have, I  
20 apologize. It certainly was not my intent.

21 THE WITNESS: The movies, I always thought  
22 that it would be, "Pow, pow, pow. Are you gonna answer the  
23 question?"

24 MR. COBB: You know --

25 THE WITNESS: I actually prayed really,

1       really, hard about -- you know, I don't go to church every  
2       single day, but I would tell you --

3                       MR. COBB:   We can go off the record.

4                       (Deposition concluded at 3:18 p.m.)

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1 I, LUIS DELAGARZA, have read the foregoing deposition  
2 and hereby fix my signature that same is true and correct,  
3 except as noted above.  
4

5  
6 \_\_\_\_\_  
LUIS DELAGARZA

7  
8 STATE OF \_\_\_\_\_)

9 COUNTY OF \_\_\_\_\_)

10 Before me, \_\_\_\_\_, on this day personally  
11 appeared LUIS DELAGARZA, known to me (or proved to me under  
12 oath or through \_\_\_\_\_) to be the person whose name  
13 is subscribed to the foregoing instrument and acknowledged  
14 to me that they executed the same for the purposes and  
15 consideration therein expressed.

16 Given under my hand and seal of office this \_\_\_\_\_  
17 day of \_\_\_\_\_, \_\_\_\_\_.  
18  
19  
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21 \_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
22 THE STATE OF \_\_\_\_\_  
23  
24  
25

CAUSE NO. 2018-CV-3345-D

VICTORIA ADVOCATE PUBLISHING § IN THE DISTRICT COURT OF  
CO., §  
§  
Plaintiff, §  
§  
V. § CALHOUN COUNTY, TEXAS  
§  
CALHOUN PORT AUTHORITY, §  
§  
Defendant. § 135TH JUDICIAL DISTRICT

REPORTER'S CERTIFICATION

DEPOSITION OF LUIS DELAGARZA

AUGUST 20, 2018

I, TOI K. DOWELL, certified Shorthand reporter in and  
for the State of Texas, hereby certify to the following:

That the witness, LUIS DELAGARZA, was duly sworn by  
the officer and that the transcript of the deposition is a  
true record of the testimony given by the witness;

That the deposition transcript was submitted on  
\_\_\_\_\_, 2018, to the witness or to the attorney  
for the witness for examination, signature and return to me  
by \_\_\_\_\_, 2018;

That the amount of time used by each party at the  
deposition is as follows:

Mr. John Griffin - 00:00  
Mr. Bill Cobb - 1:26

That pursuant to information given to the deposition




1 officer at the time said testimony was taken, the following  
2 includes all parties of record:

3 Mr. John Griffin, Attorney for Plaintiff  
4 Mr. Bill Cobb, Attorney for Defendant

5 I further certify that I am neither counsel for,  
6 related to, nor employed by any of the parties or attorneys  
7 in the action in which this proceeding was taken, and  
8 further that I am not financially or otherwise interested in  
9 the outcome of the action.

10 Further certification requirements pursuant to Rule  
11 203 of TRCP will be certified to after they have occurred.

12 Certified by me this \_\_\_\_\_ day of \_\_\_\_\_,  
13 2018.

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18 Teri K. Dowell, CSR #2768  
19 Certification Expires 12-31-2019  
20 Hill & Romero  
21 Certified Court Reporters  
22 Firm Registration No. 313  
23 3700 North 10th Street, Suite 220  
24 McAllen, Texas 78501  
25 (956) 287-8898

FURTHER CERTIFICATION UNDER RULE 203 TRCP

23 The original deposition was/was not returned to the  
24 deposition officer on \_\_\_\_\_;

25 If returned, the attached Changes and Signature page

1 contains any changes and the reasons therefore;

2 If returned, the original deposition was delivered to  
3 the Custodial Attorney;


4 That \$\_\_\_\_\_ is the deposition officer's charges  
5 to the defendant for preparing the original deposition  
6 transcript and any copies of exhibits;

7 That the deposition was delivered in accordance with  
8 Rule 203.3, and that a copy of this certificate was served  
9 on all parties shown herein on \_\_\_\_\_ and filed  
10 with the Clerk.

11 Certified to by me this \_\_\_\_\_ day of \_\_\_\_\_,  
12 2018.

13

14

  
Teri K. Dowell, CSR #2768  
Certification Expires 12-31-2019  
Hill & Romero  
Certified Court Reporters  
Firm Registration No. 313  
3700 North 10th Street, Suite 220  
McAllen, Texas 78501  
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